

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARIA GUZMAN MORALES and
MAURICIO GUARJARDO, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

FARMLAND FOODS, INC., a Delaware
Corporation and subsidiary of Smithfield
Foods,

Defendant.

Case No. 8:08-cv-504-JFB-TDT

**PLAINTIFFS' MOTION FOR LEAVE TO TAKE ADDITIONAL DEPOSITIONS
AND FOR EXTENSION OF EXPERT WITNESS DEADLINES**

Pursuant to Federal Rule of Civil Procedure 16 and 26, and NECivR 6.1, Plaintiffs Maria Guzman Morales and Mauricio Guajardo ("Plaintiffs") respectfully move this Court for leave to take two additional depositions of important witnesses identified by Defendant as having discoverable information regarding Defendant's time record-keeping and payroll systems at its Crete facility. Plaintiffs believe these witnesses have important and relevant information that is unobtainable from any other source, including information critical to understanding Farmland's payroll and time record-keeping records, which is needed to assist Plaintiffs' expert in determining damages.

In connection with Plaintiffs' request, Plaintiffs also request a modification of the expert disclosure deadlines, so that Plaintiffs' expert reports are due sixty days after the payroll depositions have been conducted. This request is reasonable, is made in good faith, and will not

prejudice Defendant. Defendant will not be required to file its motion for decertification until after deposing Plaintiffs' expert.

The parties have met and conferred on this issue, and Defendant has refused to stipulate to Plaintiffs taking these two additional depositions and to continuing the expert disclosure deadline. For these reasons, as more fully set forth In Plaintiffs' accompanying Memorandum of Law and Index of Exhibits, Plaintiffs respectfully request that the Court grant this Motion.

Dated: February 16, 2011

Respectfully submitted,

/s Shanon J. Carson

Shanon J. Carson
Russell D. Henkin
Sarah R. Schalman-Bergen
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
(215) 875-3000
(215) 875-4604 (Facsimile)

Todd M. Schneider
Carolyn H. Cottrell
SCHNEIDER WALLACE
COTTRELL BRAYTON KONECKY LLP
180 Montgomery Street, Suite 3000
San Francisco, CA 94104
(415) 421-7100
(415) 421-7105 (Facsimile)

WELSH & WELSH LAW FIRM
Christopher P. Welsh
9290 West Dodge Road
100 The Mark
Omaha, NE 68114
(402) 384-8160
Fax: (402) 384-8211

DOWNEY LAW FIRM
Philip A. Downey

P.O. Box 736
1555 Embreeville Road
Unionville, PA 19375
(610) 324-2848
(610) 347-1073 (Facsimile)

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO TAKE ADDITIONAL DEPOSITIONS AND FOR EXTENSION OF EXPERT WITNESS DEADLINES AND** was served on the 16th day of February, 2011 via electronic filing, on the following:

L. Dale Owens, Esq.
JACKSON LEWIS
1155 Peachtree Street, NE, Suite 1000
Atlanta, GA 30309-3600
owensd@jacksonlewis.com

Allison D. Balus
BAIRD HOLM LLP
1500 Woodmen Tower
Omaha, NE 68102-2068
Telephone: (402) 344-0500
abalus@bairdholm.com

/s/ Shanon J. Carson
SHANON J. CARSON